

**REMARKS/ARGUMENTS**

Claims 1-26 are pending in the application.

Claims 10-13 and 20-23 stand objected to, but would be allowable if rewritten in independent form, including all of the limitations of the base claim and any intervening claims. Applicants appreciate the Examiner's early notification of allowable subject matter.

Claims 1-9, 14-19, and 24-26 stand rejected.

In this paper, claims 1, 4, 11, 14, 17, 21, and 24 have been amended. Claims 10 and 20 have been cancelled without prejudice. Claims 27 and 28 have been added.

Applicants believe the amendments made herein add no new matter. Any amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based on prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to be attached thereto. Reconsideration and reexamination of the application is respectfully requested in view of the amendments and the following remarks.

**Claim Rejections - 35 U.S.C. §102(b)**

Claims 1-9 and 14-16 stand rejected under 35 U.S.C. §102(b) as allegedly anticipated by U.S. Patent No. 6,179,428 to Krass. The rejection is traversed.

Krass '428 discloses a rearview mirror having an extendable reflective element assembly movably attached to a base. The base has a cantilevered support arm receivable by the reflective element assembly and having a series of annular grooves or diametrically-opposed hemispheric indentations along the length of the support arm. A pair of opposed detent balls is spring biased within the reflective element assembly for seating in the grooves or indentations. The reflective element assembly can be selectively positioned relative to the base by translating the reflective element assembly along the support arm so that the detent balls disengage from one groove or pair of indentations and engage a selected groove or pair of indentations. The spring-biased detent balls maintain the reflective element assembly in a

selected location, while enabling the reflective element assembly to be translated along the support arm with the application of sufficient force.

The claimed invention is not anticipated under §102 unless each and every element of the claimed invention is found in the prior art. *Hybritech, Inc. v. Monoclonal Antibodies, Inc.*, 802 F.2d 1367; 231 USPQ 81 (Fed. Cir. 1986). To anticipate, a single reference must teach each and every limitation of the claimed invention. *Eolas Technologies Inc. v. Microsoft Corp.*, 399 F.3d 1325, 1335; 73 U.S.P.Q.2D (BNA) 1782 (Fed. Cir. 2005). The identical invention must be shown in as complete detail as is contained in the claim. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226; 9 USPQ2d 1913 (Fed. Cir. 1989).

Claim 1 has been amended, and is not anticipated by Krass '428. Claim 1 as amended calls for a vehicular rearview mirror assembly comprising a base assembly and a reflective element. The base assembly is adapted for mounting the rearview mirror assembly to a vehicle, and includes an extension arm extending therefrom. The reflective element is disposed in a reflective element assembly. The reflective element assembly is attached to the extension arm and is moveable along the extension arm for providing an operator of the vehicle with a rearward view when the vehicle is towing a trailer. The reflective element assembly is slidably movable along the extension arm via a plurality of low friction bearings interposed between the extension arm and the reflective element assembly. The low friction bearings facilitate substantially unimpeded movement of the reflective element assembly relative to the extension arm. The plurality of low friction bearings comprises at least one of a ball bearing and a roller bearing.

Krass '428 discloses a pair of detent balls whose function is to engage a groove or opposed indentations in order to impede movement of the reflective element relative to the base. The Krass '428 detent balls are not low friction bearings. Their purpose is to develop friction. They do not serve the same purpose as low friction bearings. Furthermore, the Krass '428 detent balls do not facilitate substantially unimpeded movement of the reflective element assembly relative to the extension arm as called for by amended claim 1. The purpose of the Krass '428 detent balls is to impede the movement of the reflective element relative to the base in order to maintain the reflective element in a selected extended position. Amended claim 1 is patentable over Krass '428.

Claims 2-9 depend, directly or indirectly, from amended claim 1, and for the same reasons are patentable over Krass '428. Applicants request withdrawal of the rejection, and the allowance of claims 1-9.

Claim 14 has been amended and calls for a vehicular rearview mirror assembly comprising a reflective element assembly, an extension arm, and a plurality of low friction bearings. The reflective element assembly comprises a mounting frame. The extension arm is mounted to a vehicle and is moveably attached to the extension arm. The plurality of low friction bearings is interposed between the mounting frame and the extension arm for facilitating substantially unimpeded translation of the reflective element assembly along the extension arm.

As with amended claim 1, amended claim 42 calls for a plurality of low friction bearings for facilitating substantially unimpeded translation of the reflective element assembly along the extension arm. Neither of these limitations is disclosed in Krass '428. Thus, Krass '428 does not anticipate claim 14, and claim 14 is patentable over Krass '428.

Claims 15 and 16 depend from amended claim 14, and for the same reasons are patentable over Krass '428. Applicants request withdrawal of the rejection, and the allowance of claims 14-16.

Claims 17-19 and 24-26 stand rejected under 35 U.S.C. §102(b) as allegedly anticipated by U.S. Patent No. 4,626,084 to Kumai. The rejection is traversed.

Kumai '084 discloses a clutch assembly for a rearview mirror pivot assembly. The clutch assembly comprises upper and lower assemblies. The upper assembly comprises a horizontally disposed clutch gear and a horizontally disposed fixed clutch coupled together through balls seated in mating holes in the adjacent surfaces of the clutch gear and fixed clutch. The clutch gear and fixed clutch remain coupled together until a force of a first sufficient magnitude acts on one of the elements, thereby urging the balls out of their seats and enabling the clutch gear and fixed clutch to rotate relative to each other. The lower assembly comprises a horizontally disposed surface on a base bracket and a horizontally disposed surface on a mirror frame coupled together through balls seated in mating holes in the adjacent surfaces. The base bracket and mirror frame remain coupled together until a

force of a second sufficient magnitude acts on one of the elements, thereby urging the balls out of their seats and enabling the base bracket and mirror frame to rotate relative to each other.

Claim 17 has been amended and calls for a vehicular rearview mirror assembly comprising a base assembly, at least one support arm, and a plurality of low friction bearings. The base assembly comprises a base frame for mounting the rearview mirror assembly to a vehicle. The at least one support arm supports a reflective element assembly, and is moveably connected to the base frame for selectively folding the reflective element assembly against the vehicle. The reflective element assembly is moveably attached to the support arm for extending the reflective element assembly away from the vehicle. The plurality of low friction bearings is interposed between the reflective element assembly and the at least one support arm for facilitating substantially unimpeded movement of the reflective element assembly relative to the vehicle.

Kumai '084 discloses detent-type balls whose function is to engage seats or holes in opposed surfaces in order to impede movement of the surfaces relative to each other until a preselected force is applied. The Kumai '084 balls are not low friction bearings. Their purpose is to develop friction. This is evident from the specification:

an upper clutch being disposed between the upper surface of said clutch gear and the upper end of said shaft, a lower clutch being disposed between the lower surface of a frame at the position of insertion of said shaft and the opposing surface of said base, a coiled spring being provided around said shaft so as to give a force of engagement to both of said clutches, said upper clutch being more strongly engaged than said lower clutch so that said lower clutch is disengaged earlier than said upper clutch when said mirror body is turned.

*Col. 1, ln. 63 – col. 2, ln. 4.* The Kumai '084 balls do not serve the same purpose as low friction bearings. Furthermore, the Kumai '084 balls do not facilitate substantially unimpeded movement of the reflective element assembly relative to the extension arm as called for by amended claim 17. The purpose of the Kumai '084 balls is

to impede the pivotal movement of the reflective element relative to the base until a force of a selected magnitude is overcome. Amended claim 17 is patentable over Kumai '084.

Claims 18 and 19 depend from amended claim 17, and for the same reasons are patentable over Kumai '084. Applicants request withdrawal of the rejection, and the allowance of claims 17-19.

Claim 24 has been amended and calls for a vehicular rearview mirror assembly comprising a base assembly, at least one support arm, and a pair of parallel spaced-apart flanges. The base assembly comprises a base frame for mounting the rearview mirror assembly to a vehicle. The at least one support arm supports a reflective element assembly and is pivotably connected to the base frame for selectively folding the reflective element assembly against the vehicle. The reflective element assembly is moveably attached to the support arm for substantially unimpeded extension of the reflective element assembly away from the vehicle.

Amended claim 24 calls for substantially unimpeded extension of the reflective element assembly away from the vehicle. As discussed previously, this limitation is not disclosed in Kumai '084. Thus, Kumai '084 does not anticipate claim 24, and claim 24 is patentable over Kumai '084.

Claims 25 and 26 depend from amended claim 24, and for the same reasons are patentable over Kumai '084. Applicants request withdrawal of the rejection, and the allowance of claims 24-26.

#### **Claim Objections**

Claims 10-13 and 20-23 stand objected to, but would be allowable if rewritten in independent form, including all of the limitations of the base claim and any intervening claims.

Claim 27 has been added, which is essentially claim 10 rewritten to incorporate the limitations of claims 1 and 7. Claims 11-13 now depend from claim 27. Claim 28 has been added, which is essentially claim 20 rewritten to incorporate the limitations of claim 17. Claims 21-23 now depend from claim 28.

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It is respectfully submitted that all of the claims in the application are allowable over the prior art of record. Prompt notification of allowability is respectfully requested.

Respectfully submitted,  
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